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7
8 UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON
9

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 vs.

13 JAMES D. CLOUD,

14 Defendant.
15

NO. 1:19-CR-02032-SMJ-1

GOVERNMENT'S RESPONSE TO
MOTION TO SUPPRESS
DEFENDANT'S STATEMENTS

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17 Plaintiff, United States of America, by and through William D. Hyslop, United
18 States Attorney, for the Eastern District of Washington, Thomas J. Hanlon and Richard C.
19 Burson, Assistant United States Attorneys for the Eastern District of Washington, hereby
20 responds to Defendant's Motion to Suppress Defendant's Statements (ECF 146) as
21 follows:

22 In the instant case, the government stipulates and agrees not to introduce any of the
23 Defendant's post-arrest statements at trial. Furthermore, the government stipulates and
24 agrees not to introduce any of the Defendant's post-arrest statements as potential
25 impeachment evidence. As such, the government submits that the defendant's motion is
26 moot and there is no need for this Court to reach the *Miranda* issue. *See United States v.*

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28 GOVT'S RESPONSE TO MOTION
TO SUPPRESS DEFENDANT'S
STATEMENTS

1 *Kahre*, 737 F.3d 554, 565 (9th Cir. 2013)(defendant’s motion to suppress evidence was
2 rendered moot by government’s failure to introduce challenged evidence at trial).

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4 Dated: February 24, 2020

5 William D. Hyslop
6 United States Attorney

7 s/ Thomas J. Hanlon
8 THOMAS J. HANLON
9 Assistant United States Attorney
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CERTIFICATE OF SERVICE

I hereby certify that on February 24, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Jeremy B. Sporn

s/ Thomas J. Hanlon
THOMAS J. HANLON
Assistant United States Attorney